

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

COOK LOGISTICS, LLC,
a Wisconsin limited liability company,
individually and as assignee of HITEC
POWER PROTECTION, INC.,

Plaintiff,

Case No. 2019-CV-1620

v.

EQUIPMENT EXPRESS, INC.
a Canadian corporation,

Defendant.

**EQUIPMENT EXPRESS, INC.’S REPLY TO COOK LOGISTICS, LLC’S RESPONSE
TO ITS AMENDED MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

Defendant Equipment Express, Inc. (“Defendant”), by and through its undersigned counsel, hereby submits the following in Reply to Plaintiff’s Response to Defendant’s Amended Motion for Extension of Time to File Answer:

1. On August 14, 2020, Defendant made an offer of settlement to Plaintiff and requested agreement for a 30 day extension for filing of the Defendant’s responsive pleadings.
2. On August 19, 2020, Defendant’s offer was rejected and a representation was made to Defendant’s counsel that a counter to the settlement offer would be provided at a later date. Plaintiff’s counsel also advised that consent would not be provided for the extension for filing of responsive pleadings.
3. On August 20, 2020, Defendant filed its Amended Motion for Extension of Time to Respond to Plaintiff’s Complaint (“Motion”). (Dkt. 21). The Motion was filed with the belief that the parties were engaged in good faith settlement negotiations and that it would take time to

come to a global resolution given the complex claims at issue pending in the United States and Canada. The Motion for Extension, filed the same day, stated that the Plaintiff did not provide consent and did not intend to file any opposition to the Motion so as to advise the Court that the Court did not need to delay a decision on the motion to allow for the filing of the Response. Plaintiff's counsel requested that the representation that no opposition would be filed by the Plaintiff be removed, and the Defendant therefore filed the Amended Motion.

4. On August 26, 2020, Plaintiff issued a counteroffer which required full payment on or before the end of business on August 28, 2020.

5. While Defendant intends to continue to pursue settlement negotiations in good faith, Plaintiff has indicated, per Plaintiff's Response to Defendant's Amended Motion for Extension of Time to File Answer filed on September 2, 2020, that settlement negotiations are now at an impasse. (Dkt. 22).

6. Attached hereto as Exhibit A is Defendant's proposed Answer & Affirmative Defenses and requests it be deemed filed if this Motion is granted.

Respectfully submitted this 4th day of September, 2020.

**WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP**

Attorneys for Equipment Express, Inc.

/s/Beata Shapiro

Beata Shapiro

Beata.Shapiro@wilsonelser.com

Patricia A. Stone

State Bar No: 1079285

Patricia.Stone@WilsonElser.com

U.S. Postal Address

260 Franklin Street, 14th Floor
Boston, MA 02110-3112
Phone: 617-422-5300

740 North Plankinton Avenue
Suite 600
Milwaukee, WI 53203
Phone: 414-276-8816